



**Ninety-Seventh Legislature - Second Session - 2002**  
**Committee Statement**  
**LB 1023**

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**Hearing Date:** January 24, 2002  
**Committee On:** Natural Resources

**Introducer(s):** (Schrock, Aguilar, Baker, Bourne, Bromm, Bruning, Burling, Byars, Connealy, Cudaback, Cunningham, Erdman, Hudkins, Janssen, Jensen, Jones, Kristensen, Dw. Pedersen, Preister, Smith, Stuhr, Tyson, Vrtiska, McDonald, Kremer)

**Title:** Provide for a Water Policy Task Force

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**Roll Call Vote – Final Committee Action:**

Advanced to General File  
X Advanced to General File with Amendments  
Indefinitely Postponed

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**Vote Results:**

7	Yes	Senators Bruning, Hudkins, Jones, Kremer, Preister, Schrock, Stuhr
0	No	
0	Present, not voting	
1	Absent	Senator Bromm

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**Proponents:**

Senator Ed Schrock  
Roger Patterson  
Michael Drain

John Thorburn  
Dennis Strauch  
Bob Gifford  
Clayton Lukow  
Don Kraus  
Don Batie  
Claude Cappel  
Lorrie Benson  
Tom Schwarz  
John Turnbull  
Lash Chaffin  
Grant Porter

**Opponents:**

Bob Hilger

**Representing:**

Introducer  
Department of Natural Resources  
Central Nebraska Public Power and Irrigation District  
Tri-Basin Natural Resources District  
Pathfinder Irrigation District  
North Platte Natural Resources District  
Southern Power District  
Nebraska Power Association  
Nebraska Farm Bureau Federation  
Self  
The Groundwater Foundation  
Nebraska Water Users  
Nebraska State Irrigation Association  
League of Nebraska Municipalities  
Saunders County

**Representing:**

Nebraskans First

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Ned Meier

Self

**Neutral:**

Dan Crouchley  
Ken Winston

**Representing:**

Metropolitan Utilities District  
Nebraska Sierra Club

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**Summary of purpose and/or changes:**

LB 1023 does the following:

Section 1: Recognizes that significant issues relating to the management and use of surface water and ground water, especially issues relating to the integrated management of hydrologically connected ground water and surface water and to the transfer of water and water rights.

Section 2: Membership on the Water Policy Task Force, appointed by the Governor:

- a. a surface water irrigator and a ground water irrigator from each of the state's thirteen river basins;
- b. five representatives recommended by the Nebraska Resources Association;
- c. five representatives recommended by the Nebraska Power Association;
- d. five representatives from differing environmental and recreational organizations;
- e. a representative of a municipality in each of the thirteen river basins recommended by the League of Municipalities;
- f. ten representatives to represent the state at-large; and
- others as the Governor deems necessary.

Additional members of the Task Force shall include:

- a. a representative of the Department of Natural Resources;
- b. a representative of the Department of Agriculture;
- c. a representative of the Department of Health and Human Services Regulation and Licensure;
- d. a representative of the Game and Parks Commission;
- e. a representative of the Attorney General;
- f. a representative of the Conservation and Survey Division of the University of Nebraska; and
- g. all members of the Natural Resources Committee of the Legislature.

Section 3: Requires the Natural Resources Committee of the Legislature to contract for the services of a meeting facilitator and such other assistance as the task force deems necessary within the limits of the funds appropriated. Requires the Committee to consult with the Attorney General and the Department of Natural Resources in making its selection for a facilitator.

The contract requires the approval of the Executive Board of the Legislature.

Section 4: Requires the Task Force:

- a. to examine the issues presented in Section 1 and such related issues as it deems appropriate;
- b. to identify options for resolution of such issues;
- c. to make recommendations to the Legislature and Governor relating to any water policy changes the Task Force deems desirable; and
- d. to complete its work within eighteen months after the Governor notifies the Legislature that all members of the Task Force have been appointed and a facilitator has been selected.

Section 5: Appropriation of \$750,000.00 to carry out this act.

**Explanation of amendments, if any:**

The committee amendment modifies the original bill in the following manner:

Adds a new section 4, which would require the task force to select a fourteen-member executive committee consisting of three representatives from irrigation interests; one representative of an agricultural organization; one representative from an environmental organization; one representative from a recreational organization; one representative of the state at-large; one representative of natural resources districts; one representative of the Nebraska Power Association; one representative of municipalities; one representative of the Attorney General's office; one representative of the Department of Natural Resources; and the chairperson and vice chairperson of the Natural Resources Committee of the Legislature.

Each executive committee member would be required to representing the remainder of his or her interest group on the executive committee.

The executive committee would be required to develop operating rules for the task force, and to develop proposals and recommendations to be considered by the entire task force.

Adds a new section 5, which would require that the task force meeting at least four times annually, and at such other times as the executive committee determines is necessary to meet the objectives in section 1.

Clarifies section 1 by including specific issues which are to be studied by the task force:

- a. a review of Laws 1996, LB108, to determine what, if any, changes are needed to adequately address Nebraska's conjunctive use management issues;
- b. an evaluation of the utility of allowing temporary water transfers, and if deemed useful, development of draft legislation and procedures for authorizing and implementing a temporary water transfer law;
- c. an evaluation of the utility of authorizing additional types of permanent water transfers and, if deemed useful, development of draft legislation and procedures for authorizing and implementing additional types of permanent water transfers;
- d. a determination as to the usefulness of water leasing or transfer and development of a potential water banking system that would facilitate the temporary or permanent transfer of water uses; and

- e. a determination as to what other ways, if any, inequities between surface water users and ground water users need to be addressed and potential actions the state could take to address any such inequities.

Reduces the number of members of the task force so that the task force will consist of the following forty-nine members:

- a. twenty irrigators, with at least one irrigator from each of the state's thirteen river basins, giving consideration in maintaining a balance between surface and ground water users. These irrigators are to be selected as follows: three irrigators from the Republican River Basin, two irrigators from the North Platte River Basin, two irrigators from the Middle Platte River Basin, two irrigators from the Loup River Basin, two irrigators from the Elkhorn River Basin, two irrigators from the Big Blue River Basin, one irrigator from the South Platte River Basin, one irrigator from the Lower Platte River Basin, one irrigator from the Little Blue River Basin, one irrigator from the Nemaha River Basin, one irrigator from the Niobrara River Basin, one irrigator from the White Hat River Basin, and one irrigator from the Missouri River Tributaries Basin;
- b. three representatives from differing agricultural organizations;
- c. three representatives from differing environmental organizations;
- d. two representatives from differing recreational organizations;
- e. three representatives of the state at-large;
- f. five representatives suggested for the Governor's consideration by the Nebraska Association of Resource Districts;
- g. four representatives suggested for the Governor's consideration by the Nebraska Power Association; and
- h. five representatives suggested for the Governor's consideration by the League of Nebraska Municipalities, with consideration given to maintaining a balance between larger and smaller municipalities;
- i. one representative from the Department of Natural Resources to coordinate as appropriate with other state agencies;
- j. one representative from the Attorney General's office;
- k. the chairperson and vice chairperson of the Natural Resources Committee of the Legislature and other members of the Committee may participate as desired.

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**Senator Ed Schrock, Chairperson**